

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIFFANY RECINOS,

Plaintiff,

v.

UPS STORE #0352,

Defendant.

CASE NO. C23-5948 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge David W. Christel's Report and Recommendation (R&R), Dkt. 9, recommending the Court deny pro se Plaintiff Tiffany Recinos's application for leave to proceed *in forma pauperis*, Dkt. 4, and dismiss her proposed complaints, Dkts. 1, 4-1, and 5, without prejudice and without leave to amend, for failure to state a plausible claim. Recinos appealed the case to the Ninth Circuit Court of Appeals before Judge Christel issued his R&R. Dkt. 6.

Recinos's complaint is difficult to follow. She appears to contend that a UPS store mishandled the Ninth Circuit briefs she engaged them to deliver, and perhaps charged her more than she thought they should. She makes no attempt to describe how this Court has jurisdiction over such a claim.

1 Recinos wants the UPS employees “terminated for felony activity,” and she wants
2 her mail delivered. Dkt. 1. The R&R correctly concludes that Recinos has failed to
3 plausibly articulate how this Court has jurisdiction over her claim, and her reference to
4 state criminal statutes fails to state a plausible claim in this Court as a matter of law. Dkt.
5 9 at 3.

6 Recinos objects, asserting that “UPS store subjected my mail to unsafe conditions
7 and a secondary company had access against my consent. Then they raised postage price
8 on 3rd parcel—in same day.” Dkt. 12 at 1.

9 A district court “shall make a de novo determination of those portions of the report
10 or specified proposed finding or recommendations *to which objection is made.*” 28
11 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute
12 makes it clear that the district judge must review the magistrate judge’s findings and
13 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
14 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
15 “specific written objections to the proposed findings and recommendations” in the R&R.
16 Fed. R. Civ. P. 72(b)(2).

17 Recinos has not met this standard, and she cannot. This Court does not have
18 subject matter jurisdiction over her claim to have a UPS employee “terminated for felony
19 activity.” She has failed to state a plausible claim for relief in this Court, as a matter of
20 law.

21 The R&R is **ADOPTED**, Recinos’s application to proceed *in forma pauperis* is
22 **DENIED**, and this case is **DISMISSED without prejudice** and **without leave to**

1 **amend**, for failure to articulate any basis for this Court's subject matter jurisdiction and
2 for failure to state a plausible claim.

3 The Clerk shall enter a **JUDGMENT** and close the case. The Court will not
4 accept any further filings in this case other than a Notice of Appeal of this Order.

5 **IT IS SO ORDERED.**

6 Dated this 11th day of December, 2023.

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9 BENJAMIN H. SETTLE
United States District Judge
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